

AMENDED IN ASSEMBLY APRIL 21, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1678**

**Introduced by Assembly Member Saldana**

February 22, 2005

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~~An act relating to ports and harbors.~~ *An act to amend the heading of Chapter 3.3 (commencing with Section 39630) of Part 2 of Division 26 of, and to add Section 39634 to, the Health and Safety Code, relating to air resources.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1678, as amended, Saldana. Ports and harbors: ~~cruise ships: docking: plug-in energy source~~ *vessels: air pollution.*

~~Existing law~~

*(1) Existing law regulates the operation of ports and harbors and regulates air pollution by various sources.*

~~This bill would set forth legislative intent relating to infrastructure that requires provision for a plug-in energy source for docked cruise ships~~ *require the Port of San Diego, on or before, January 1, 2007, to provide a report to the San Diego Air Pollution Control District, including (a) an inventory of air emissions from stationary and mobile sources; (b) an assessment of the number of vessel port visits per year; (c) a standard for ship electrification, as defined; and (d) an economic feasibility study of various air pollution reduction measures, including, cold-ironing, as defined, and a timeline for implementing these measures. The bill would require the port to establish a task force of stakeholders, including community groups, environmental groups, shippers, cruise lines, other ports, and air district officials, to assist the port in preparing the report. The bill would require the port to seek public and private funding to assist in paying the costs of*

*preparing the report and to seek the assistance of the Scripps Institute of Oceanography at the University of California at San Diego or the California State University at San Diego, or both of those, in preparing the report. The bill would establish a state-mandated local program by imposing these additional duties upon the port.*

*(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. The Legislature hereby finds and declares that it~~  
2     ~~is the intent of the Legislature to enact legislation to require new~~  
3     ~~port expansion projects to include infrastructure to provide a~~  
4     ~~plug-in energy source for docked cruise ships.~~

5     *SECTION 1. The heading of Chapter 3.3 (commencing with*  
6     *Section 39630) of Part 2 of Division 26 of the Health and Safety*  
7     *Code is amended to read:*

8  
9                     CHAPTER 3.3. ~~CRUISE SHIPS~~ VESSELS

10  
11     *SEC. 2. Section 39634 is added to the Health and Safety*  
12     *Code, to read:*

13     39634. (a) *The Legislature finds and declares all of the*  
14     *following:*

15     (1) *Numerous local districts have identified emissions by*  
16     *vessels in ports as a major source of air pollution that warrants*  
17     *controls.*

18     (2) *Of particular interest are the diesel particulate matter*  
19     *(PM) emissions by these vessels, which have been declared by*  
20     *the state board to be a toxic air contaminant that can cause*  
21     *cancer, and aggravate asthma. Environmental health concerns*  
22     *have been raised by residents of communities near ports in*

1 *Oakland, Long Beach, Los Angeles, and San Diego who suffer*  
2 *from increased asthma rates due to the proximity of their homes*  
3 *to these major ports.*

4 *(3) The latest available ocean-going vessel emission inventory*  
5 *for the two ports in San Pedro Bay, the Port of Los Angeles and*  
6 *the Port of Long Beach, indicated that of the reported 33.0 tons*  
7 *per day (tpd) of nitrogen oxides (NOx) in 2000 from vessel*  
8 *activity in those ports, 11.0 tpd of NOx were derived from vessel*  
9 *auxiliary engines operating in idling mode. The situation with*  
10 *respect to diesel particulate matter is similar.*

11 *(4) One approach to reduce these emissions is cold-ironing.*  
12 *This technology has been used by the military at naval bases for*  
13 *many decades, reducing fuel costs, pollution, and dependency on*  
14 *foreign oil.*

15 *(5) Districts have considered cold ironing regulations but lack*  
16 *the authority to require it. However, the state board and the*  
17 *United States Environmental Protection Agency have authority to*  
18 *regulate these marine vessel emissions.*

19 *(6) The first large-scale cruise vessel cold-ironing installation*  
20 *in the world was in Juneau, Alaska, and by the 2002 cruise*  
21 *season, five Princess Cruise vessels were using shore power*  
22 *while docked in Juneau. The Princess Cruise corporation spent*  
23 *approximately \$5.5 million to construct the shore side facilities*  
24 *and to retrofit the vessels at a cost of about five hundred*  
25 *thousand dollars (\$500,000) for each vessel.*

26 *(7) It is the intent of the Legislature in enacting this section to*  
27 *encourage ports to conduct cost-effectiveness studies to*  
28 *determine which vessels would be cost-effective candidates for*  
29 *cold-ironing.*

30 *(8) It is also the intent of the Legislature in enacting this*  
31 *section to allow for increased port capacity in California,*  
32 *provide new job opportunities, and reduce harmful diesel engine*  
33 *emissions near workplaces, schools, and homes.*

34 *(9) While there are varying health effects of each pollutant,*  
35 *there is no standard method for taking those differences into*  
36 *account in cost-effectiveness evaluations estimating the cost of*  
37 *potential emission reductions. Although there is no broadly*  
38 *accepted method for calculating a cost-effectiveness threshold*  
39 *for control measures for multiple pollutants, the criteria that*  
40 *should be used to judge the cost-effectiveness of a project should*

1 *be the following, which is used by districts in the*  
2 *multiple-pollutant rule development process: Cost-effectiveness*  
3 *= Total Net Present Value (in dollars) / Total Emission*  
4 *Reduction of All Pollutants over the Project Life (in tons).*

5 *(10) Special consideration to sensitive populations such as*  
6 *children and the elderly should be given when considering the*  
7 *social costs associated with adverse health effects, including lost*  
8 *state revenue from child sick days from school, workplace*  
9 *exposure at ports, and sick days taken from work.*

10 *(b) For the purposes of this section, “cold-ironing” or “ship*  
11 *electrification” means technology that facilitates a reduction in*  
12 *pollutants emitted by a vessel by allowing the vessel to plug into*  
13 *dockside power while at berth, instead of continuously running*  
14 *its engines to generate electricity.*

15 *(c) On or before, January 1, 2007, the Port of San Diego shall*  
16 *provide a report to the San Diego Air Pollution Control District*  
17 *that shall include, but need not be limited to, all of the following*  
18 *relating to the port:*

19 *(1) An inventory of air emissions from stationary and mobile*  
20 *sources.*

21 *(2) An assessment of the number of vessel port visits per year.*

22 *(3) A ship electrification standard.*

23 *(4) An economic feasibility study of various air pollution*  
24 *reduction measures, including, but not limited to, cold-ironing,*  
25 *and a timeline for implementing these measures.*

26 *(d) The Port of San Diego shall establish a task force of*  
27 *stakeholders, including, but not limited, to, community groups,*  
28 *environmental groups, shippers, cruise lines, other ports, and air*  
29 *district officials, to assist the port in preparing the report.*

30 *(e) The Port of San Diego shall seek public and private*  
31 *funding to assist in paying the costs of preparing the report.*

32 *(f) The Port of San Diego shall seek the assistance of the*  
33 *Scripps Institute of Oceanography at the University of California*  
34 *at San Diego or the California State University at San Diego, or*  
35 *both of those, in preparing the report.*

36 *SEC. 3. If the Commission on State Mandates determines that*  
37 *this act contains costs mandated by the state, reimbursement to*  
38 *local agencies and school districts for those costs shall be made*

1 *pursuant to Part 7 (commencing with Section 17500) of Division*  
2 *4 of Title 2 of the Government Code.*

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